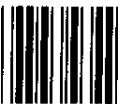


USDC SCAN INDEX SHEET



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3:00-CV-00432 LOZANO V. TUTTLE

1

CMP.

ORIGINAL

CENTER FOR DISABILITY ACCESS, LLP
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Attorney for Plaintiff, ENRIQUE LOZANO

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ENRIQUE LOZANO,

Plaintiff,

v.

JAMES F. TUTTLE, an individual;
ALBERTA S. TUTTLE, an individual;
THEODORE BAUER, an individual;
and DOES 1 through 10, inclusive

Defendants

00 CV 0432 K' (RBB)

Case No.:

Civil Rights

**COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF FOR VIOLATIONS
OF: AMERICANS WITH DISABILITIES
ACT OF 1990; UNRUH CIVIL RIGHTS
ACT; CALIFORNIA'S DISABLED PERSON
ACT; COMMON LAW UNFAIR
COMPETITION; NEGLIGENCE;
NEGLIGENCE PER SE; CALIFORNIA'S
UNFAIR BUSINESS PRACTICE ACT;
DECLARATORY RELIEF;**

DEMAND FOR JURY

Plaintiff ENRIQUE LOZANO complains of JAMES F. TUTTLE, ALBERTA
S. TUTTLE, THEODORE BAUER and DOES 1 through 10, inclusive, and
alleges as follows:

INTRODUCTION:

1. This is a Civil Rights action for discrimination against
persons with physical disabilities, of which Plaintiff is a member
of said class, for failure to remove architectural barriers
structural in nature at Defendants' Tuttle Insurance located at 444
South 4th Street, El Centro, California 92243-3009, a place of

1 public accommodation, thereby discriminatorily denying Plaintiff and
2 the class of other similarly situated persons with physical
3 disabilities access to, the full and equal enjoyment of, opportunity
4 to participate in, and benefit from, the goods, facilities,
5 services, and accommodations thereof.

6 **2.** Plaintiff seeks injunctive relief and damages for
7 violations of civil rights and for damages flowing from such
8 violations.

9 **JURISDICTION AND VENUE:**

10 **3. Jurisdiction:** This Court has jurisdiction of this action
11 pursuant to 28 U.S.C. § 1331 for violations of the Americans with
12 Disabilities Act of 1990, 42 U.S.C. § 12101, et seq. Pursuant to
13 supplemental jurisdiction, attendant and related causes of action,
14 arising from the same nucleus of operative facts and arising out of
15 the same transactions, are also brought under California state law.

16 **4. Venue:** Venue is proper in this court pursuant to 28
17 U.S.C. § 1391(b) and is founded on the fact that the improved real
18 property which is the subject of this action is located in this
19 district and that Plaintiff's causes of action arose in this
20 district.

21 **PARTIES:**

22 **5.** Plaintiff ENRIQUE LOZANO is a California resident with
23 physical disabilities who uses a wheelchair to travel about in
24 public.

25 **6.** Defendants JAMES F. TUTTLE, ALBERTA S. TUTTLE, THEODORE
26 BAUER and DOES 1 through 10, inclusive (hereinafter alternatively
27 referred to collectively as "Defendants"), are the owners and
28 operators, lessors and/or lessees, or agents of the owners, lessors

1 and/or lessees, and/or alter egos, franchisers and/or franchisees,
2 of the building and/or buildings which constitute a public facility
3 in and of itself, occupied by the above described insurance office,
4 public accommodations, and subject to the requirements of federal
5 and state law requiring full and equal access to public
6 accommodations and facilities.

7 7. Plaintiff ENRIQUE LOZANO does not know the true names of
8 Defendants JAMES F. TUTTLE, ALBERTA S. TUTTLE, THEODORE BAUER and
9 DOES 1 through 10, inclusive, their business capacities, their
10 ownership connection to the property and business, or their relative
11 responsibilities in causing the access violations herein complained
12 of, and alleges a joint venture and common enterprise by all such
13 Defendants. Plaintiff is informed and believes that each of the
14 Defendants herein, including DOES 1 through 10, inclusive, is
15 responsible in some capacity for the events herein alleged, or is a
16 necessary party for obtaining appropriate relief. Plaintiff ENRIQUE
17 LOZANO will seek leave to amend when the true names, capacities,
18 connections, and responsibilities of the Defendants JAMES F. TUTTLE,
19 ALBERTA S. TUTTLE, THEODORE BAUER and DOES 1 through 10, inclusive,
20 are ascertained.

21 **PRELIMINARY FACTUAL ALLEGATIONS:**

22 8. Defendants are the owners and operators of the public
23 insurance office, located at 444 South 4th Street, El Centro,
24 California 92243-3009. The insurance office, its parking, and its
25 other facilities are each a "public accommodation or facility"
26 subject to the requirements of state and federal law. On information
27 and belief, each such facility has, since July 1, 1970, undergone
28 "alterations, structural repairs and additions," each of which has

1 subjected the public accommodations, and each of their facilities to
2 handicapped access requirements per the Americans with Disabilities
3 Act Access Guidelines (ADAAG) and Title 24 of California's Code of
4 Regulations.

5 **9.** On at least one occasion in within the statutory period
6 preceding the filing of this Complaint, Plaintiff ENRIQUE LOZANO was
7 an invitee and customer at the subject insurance office.

8 **10.** When Plaintiff visited the subject insurance office, there
9 was no designated disabled accessible parking.

10 **11.** When Plaintiff visited the subject insurance office,
11 public paths of travel were inaccessible.

12 **12.** On information and belief, other public facilities were
13 improperly inaccessible for use by persons with physical
14 disabilities.

15 **13.** On information and belief, the facilities continue to the
16 date of filing this complaint to deny equal access to Plaintiff and
17 other persons with physical disabilities.

18 **14.** As a result of the inaccessible facilities, Plaintiff
19 ENRIQUE LOZANO was humiliated, embarrassed and frustrated, suffering
20 emotional injuries. Moreover, as a result of the inaccessible
21 facilities, Plaintiff ENRIQUE LOZANO suffered bodily and physical
22 injury.

23 **15.** Plaintiff would like to return and use the Defendants'
24 public accommodations but because of Defendants' violations,
25 Plaintiff and other persons with physical disabilities are unable to
26 use public facilities such as those owned and operated by Defendants
27 on a "full and equal" basis unless such facility is in compliance
28 with the provisions of the Americans with Disabilities Act and other

1 accessibility law as pled herein. Plaintiff has, therefore, been
2 deterred from returning and using the Defendants' public
3 accommodations.

4
5 **I. FIRST CAUSE OF ACTION: VIOLATION OF THE AMERICANS WITH**
6 **DISABILITIES ACT OF 1990 (On behalf of Plaintiff and Against**
All Defendants (42 U.S.C. section 12101, et seq.)

7 **16.** As persons who own and operate a place of public
8 accommodation, the Defendants are required to (1) ensure that all
9 construction, alteration, or modification is barrier free and
10 complies with the ADAAG; and (2) remove all existing barriers where
11 such removal is "readily achievable." As alleged above, there are
12 architectural barriers existing on the Defendants' facilities, which
13 barriers are in violation of the Americans with Disabilities Act
14 Accessibility Guidelines, are readily achievable removed, and are
15 unlawful. The Defendants have failed to comply with the ADA and,
16 therefore, discriminated against the Plaintiff.

17 **17.** Further, if it were not "readily achievable" for
18 Defendants to remove each of such barriers, Defendants have failed
19 to make the required services available through alternative methods
20 that were readily achievable.

21 **18.** Plaintiff would like to return and use the Defendants'
22 facilities but Plaintiff cannot return to or make use of the public
23 facilities complained of herein so long as the premises and
24 Defendants' policies bar full and equal use by persons with physical
25 disabilities.

26 **19.** Wherefore, Plaintiff prays for relief as hereinafter
27 stated.

28 ///

1 **II. SECOND CAUSE OF ACTION: VIOLATION OF THE UNRUH CIVIL RIGHTS ACT**
2 (On behalf of Plaintiff and Against All Defendants) (Cal Civ §
3 51 et seq.)

4 **20.** Plaintiff repleads and incorporates by reference, as if
5 fully set forth again herein, the allegations contained in all prior
6 paragraphs of this complaint.

7 **Count One:**

8 **21.** The Defendants have not ensured that their facilities
9 comply with Title 24 of the California Code of Regulations, the
10 California Building Code as it applies to physical access for
11 persons with disabilities and failed to ensure that disabled persons
12 have "full and equal accommodations, advantages, facilities,
13 privileges, or services" to the facilities identified above.

14 **Count Two:**

15 **22.** The Defendants have not complied with the Americans with
16 Disabilities Act of 1990.

17 **III. THIRD CAUSE OF ACTION: VIOLATION OF CALIFORNIA'S DISABLED**
18 **PERSONS ACT,** (On Behalf of Plaintiff and Against All
19 Defendants) (California Civil Code § 54 et seq.)

20 **23.** Plaintiff repleads and incorporates by reference as if
21 fully set forth again herein, the allegations contained in all prior
22 paragraphs of this complaint and incorporates them herein as if
23 separately repled.

24 **Count One:**

25 **24.** The Defendants have not ensured that their facilities
26 comply with Title 24 of the California Code of Regulations, the
27 California Building Code as it applies to physical access for
28 persons with disabilities and have failed to ensure that disabled
persons have full and equal access to public accommodations and/or
other places that the general public is invited and that disabled

1 persons enjoy the same accommodations, advantages, facilities and
2 privileges to the facilities identified above.

3 **Count Two:**

4 **25.** The Defendants have not complied with the Americans with
5 Disabilities Act of 1990.

6 **26.** Wherefore, Plaintiff prays for relief and damages as
7 hereinafter stated.

8 **IV. FOURTH CAUSE OF ACTION: VIOLATION OF COMMON LAW UNFAIR**
9 **COMPETITION (On Behalf of Plaintiff and Against All**
10 **Defendants)**

11 **27.** Plaintiff repleads and incorporates by reference, as if
12 fully set forth again herein, the allegations contained in all prior
13 paragraphs of this complaint.

14 **28.** Defendants advertise to the public by various means,
15 including but not limited to, their on-site signage that the
16 facilities are open to and accessible by the general public. No
17 signage is posted indicating that the facilities are restricted only
18 to fully-ambulatory persons or that persons with disabilities are
19 not welcome or will have problems with physical accessibility.

20 **29.** Persons with disabilities are invited just as the general
21 public but the invitation, as delivered by the Defendants'
22 advertising, is deceptive, defective, and damaging. Persons with
23 disabilities attempt to access the Defendants' facilities at their
24 own peril.

25 **30.** Plaintiff has been damaged by the Defendants' advertising
26 activities.

27 **31.** Wherefore, Plaintiff prays for relief and damages and
28 relief as hereinafter stated.

///

1 **V. FIFTH CAUSE OF ACTION: NEGLIGENCE**
2 (On behalf of Plaintiff and Against All Defendants)

3 32. Plaintiff repleads and incorporates by reference, as if
4 fully set forth again herein, the allegations contained in all prior
5 paragraphs of this complaint.

6 33. Defendants had a duty to exercise ordinary care.

7 34. Defendants failed to exercise ordinary care.

8 35. As the actual and proximate result of Defendants' failure
9 to exercise ordinary care, Plaintiff suffered damages in an amount
10 to be determined by proof.

11 36. Wherefore, Plaintiff prays for relief and damages and
12 relief as hereinafter stated.

13 **VI. SIXTH CAUSE OF ACTION: NEGLIGENCE PER SE**
14 (On behalf of Plaintiff and Against All Defendants)

15 37. Plaintiff repleads and incorporates by reference, as if
16 fully set forth again herein, the allegations contained in all prior
17 paragraphs of this complaint.

18 38. At all times relevant hereto, there was in effect the
19 Americans with Disabilities Act; the Unruh Civil Rights Act;
20 California's Disabled Person Act; Title 24 of the California Code of
21 Regulations, and California Health and Safety Code, sections 19955
22 et seq.; all of which require that public accommodations and
23 facilities provide services to people with physical disabilities
24 which are equal to, and are not inferior to, the services provided
25 patrons who are not physically disabled.

26 39. Plaintiff is a member of class that these statutes are
27 designed to protect.

28 ///

1 **40.** Defendants' acts and omissions alleged herein are a
2 violation of statutory requirements and, therefore, constitute
3 negligence per se.

4 **41.** As a result of the actions taken by Defendants, the
5 Plaintiff has suffered the harm that these statutes are designed to
6 prevent.

7 **42.** Wherefore, Plaintiff prays for relief and damages and
8 relief as hereinafter stated.

9 **VII. SEVENTH CAUSE OF ACTION:** VIOLATION OF CALIFORNIA'S UNFAIR
10 BUSINESS PRACTICES ACT (On behalf of the Public and Against All
Defendants) (Cal. Bus. & Prof. § 17200 et seq.)

11 **43.** Plaintiff repleads and incorporates by reference, as if
12 fully set forth again herein, the allegations contained in all prior
13 paragraphs of this complaint.

14 **44.** In addition to the access violations described above,
15 Defendants' facilities are in violation of California and Federal
16 law in that they do not provide required access for disabled
17 persons.

18 **45.** Defendants' acts and omissions alleged herein are a
19 violation of both statutory requirements and public policy and,
20 therefore, constitute a violation of Business and Professions Code
21 sections 17200 et seq.

22 **46.** Plaintiff, on behalf of himself and the general public,
23 seeks injunctive relief requiring Defendants to remedy the
24 disability access violations present at their facilities. Ancillary
25 to this injunctive relief, Plaintiff also requests restitution for
26 any amounts received by the Defendants from additional business they
27 received as a result of not complying with the disability access
28 laws.

1 **47.** Wherefore, Plaintiff prays for relief and damages and
2 relief as hereinafter stated.

3 **VIII. EIGHTH CAUSE OF ACTION: DECLARATORY RELIEF**

4 **48.** Plaintiff repleads and incorporates by reference, as if
5 fully set forth again herein, the allegations contained in all prior
6 paragraphs of this complaint.

7 **49.** A judicial declaration is necessary and appropriate at
8 this time in order that each of the parties may know their
9 respective rights and duties and act accordingly.

10 **50.** Plaintiff contends that the facilities identified above
11 fail to comply with applicable laws prohibiting discrimination
12 against persons with disabilities and is in violation of statutes
13 including, but not limited to, the Americans with Disabilities Act
14 of 1990, the Unruh Civil Rights Act, and California's Disabled
15 Person Act.

16 **PRAYER:**

17 Wherefore, Plaintiff prays that this court award damages and
18 provide relief as follows:

19 **1.** For injunctive relief, compelling Defendants to comply with
20 the Americans with Disabilities Act of 1990, the Unruh Civil Rights
21 Act, and California's Disabled Person Act, which order will include
22 the removal of barriers and the implementation of reasonable
23 modifications in policies, practice, eligibility criteria and
24 procedures so as to afford full access to the goods, services,
25 facilities, privileges, advantages and accommodations being offered.

26 **2.** A declaration that the facilities are designed and operated
27 in a manner that discriminates against persons with physical
28 disabilities and that fails to provide full and equal access for

1 persons with disabilities as required by law;

2 3. General and Special damages in an amount to be determined by
3 proof;

4 4. Restitution;

5 5. Reasonable attorneys' fees, litigation expenses and costs of
6 suit;

7 6. For such other and further relief as the court may deem
8 proper.

9
10 Dated: February 25, 2000 CENTER FOR DISABILITY ACCESS, LLP

11
12 By: 

13 MARK D. POTTER
14 RUSSELL C. HANDY
15 LATHE S. GILL
16 Attorneys for Plaintiff

17 **DEMAND FOR JURY TRIAL**

18 Plaintiff hereby demands a jury for all claims for which a jury
19 is permitted.

20 Dated: February 25, 2000 CENTER FOR DISABILITY ACCESS, LLP

21
22 By: 

23 MARK D. POTTER
24 RUSSELL C. HANDY
25 LATHE S. GILL
26 Attorneys for Plaintiff
27
28

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

ENRIQUE LOZANO

DEFENDANTS

JAMES F. TUTTLE, et al

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Imperial
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT Imperial
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

MARK D. POTTER (Bar # 166317) (619) 232-4982
CENTER FOR DISABILITY ACCESS
2535 Kettner Blvd., Suite 2A5
San Diego, California 92101

ATTORNEYS (IF KNOWN)

II. BASIS OF JURISDICTION

(PLACE AN "X" IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN

(PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

V. NATURE OF SUIT

(PLACE AN "X" IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC/ Rates/etc <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	SOCIAL SECURITY	
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

VI. CAUSE OF ACTION

(CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE BRIEF STATEMENT OF CAUSE DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Title III of Americans With Disabilities Act. 42 U.S.C.A. Section 12101, et seq.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ YES ☐ NO

VIII. RELATED CASE(S) (See instructions):

JUDGE

DOCKET NUMBER

IF ANY

DATE 2-28-00 SIGNATURE OF ATTORNEY OF RECORD [Signature]

FOR OFFICE USE ONLY

RECEIPT # 57818 AMOUNT \$150.00 APPLYING IFP [Signature] JUDGE MAG JUDGE